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PARLIAMENTARY VS. PRESIDENTIAL SYSTEMS: ASSESSING THE EXECUTIVE BRANCH'S ROLE AND ACCOUNTABILITY

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Abstract

This paper compares the two main systems of governance – parliamentary and presidential – and explores how the executive branch is structured and held accountable by the Indian and American Constitutions. The parliamentary system embodied in India's Constitution merges the executive and legislative branches through the Council of Ministers' accountability to the Lok Sabha, guided by Articles 74 and 75 of the Constitution. In contrast, the U.S. Constitution sets up a presidential system under Article II, with structural separation of powers between the executive, legislature and judiciary and with the President serving a fixed term and being directly elected by the citizens. The two systems have important implications for how executive authority is checked and held to account in each nation. Courts have rendered decisions clarifying the parameters of ministerial responsibility, as seen in cases like *Ram Jawaya Kapur v. State of Punjab*¹²⁸² and *Samsher Singh v. State of Punjab*¹²⁸³ define the parameters of ministerial duty in India. These cases highlight both the constraints and the independence afforded to the U.S. President. It is noted that India's parliamentary system deploys political accountability tools such as the no-confidence motion under Article 75(3), whereas the U.S. presidential system largely depends on legal accountability mechanisms like impeachment established in Article II, Section 4. The paper concludes that the constitutional framework for executive power determines how governance, accountability and the stability of the democratic system play out within each system.

Keywords: *Executive Accountability, Separation of Powers, Parliamentary System, Presidential System, Indian Constitution, U.S. Constitution*

GRASP - EDUCATE - EVOLVE

¹²⁸² *Ram Jawaya Kapur v. State of Punjab*, AIR 1955 SC 549.

¹²⁸³ *Samsher Singh v. State of Punjab*, AIR 1974 SC 2192.

Introduction

The executive branch plays a pivotal role in carrying out and administering the country's laws and government policies. The executive's primary characteristics and responsibilities are defined by the constitution that allocates and assigns the use of power. There are two main types of executive governance in use around the world. The two major types of executive government are the parliamentary system and the presidential system. In parliamentary systems, the executive and legislature are combined and the Cabinet, headed by the Prime Minister, responds to the legislature as a whole. This system is exemplified by India's constitutional design, which entrusts executive authority nominally to the President under Article 53¹²⁸⁴, while vesting real executive power in the Council of Ministers under Article 75¹²⁸⁵, subject to the confidence of the Lok Sabha. In contrast, the presidential system operates on a clear separation of powers, featuring an independently elected President who wields executive authority distinct from the legislature, as enshrined in Article II of the United States Constitution. The President enjoys a fixed term and is not accountable to the legislature in the political sense, but subject to legal constraints including impeachment under Article II, Section 4¹²⁸⁶.

The arrangement of executive power in these systems influences how accountability, efficiency and the distribution of authority in a democracy are achieved. Parliamentary systems provide greater political accountability thanks to the no-confidence motion and collective ministerial responsibility, though these systems can experience executive instability as a result. Presidential systems guarantee executive stability and reflect the will of the people, but can become paralyzed by the separation of powers. Legal rulings from the courts have shaped and clarified the powers and responsibilities of the executive branch in

parliamentary and presidential systems. The Indian Supreme Court has clarified the nature of executive responsibility in cases such as *Samsher Singh v. State of Punjab*¹²⁸⁷ articulate the political nature of executive responsibility, while U.S. Supreme Court precedents including *Youngstown Sheet & Tube Co. v. Sawyer*¹²⁸⁸ elucidate the limits of presidential authority in emergency contexts.

The paper explores the constitutional framework and accountability mechanisms of the executive branch in parliamentary and presidential systems, examines key constitutional language and judicial rulings and compares executive institutions and practices in India and the United States. The analysis explores how different constitutional structures influence the functioning of democracy and the accountability of the executive branch.

Conceptual Framework of the Executive Branch

In the country, the executive branch is in charge of carrying out and enforcing laws. In any case, the role of the executive in parliamentary and presidential systems is set up and organized in different ways due to their contrasting ideas about constitutions, organizations and accountability.

Parliamentary System

In the United Kingdom, it was first tried out with the executive and legislative branches working very closely together. The functions of government are usually merged in parliamentary systems, unlike the system where the powers are strictly divided in presidential governments. According to the parliamentary system, the executive department is split between a ceremonial President or Monarch and the Prime Minister, who leads a Council of Ministers also drawn from the legislature. Section 53 to 78¹²⁸⁹ of the Indian Constitution specifically mentions the parliamentary

¹²⁸⁴ Constitution of India art. 53.

¹²⁸⁵ Constitution of India art. 75.

¹²⁸⁶ Constitution of the United States art. II, § 4.

¹²⁸⁷ *Samsher Singh v. State of Punjab*, AIR 1974 SC 2192.

¹²⁸⁸ *Youngstown Sheet & Tube Co. V. Sawyer*, 343 U.S. 579 (1952).

¹²⁸⁹ Constitution of India art. 53–78.

executive. Under Article 74¹²⁹⁰, the Council of Ministers helps the President and provides guidance, while Article 75 says that the Council is accountable to the Lok Sabha as a group.

Since responsibilities are shared, the Council must act as one team and maintain support from the lower house to use its authority efficiently. As a result, the system of government responds and is responsible to the people, who are properly represented in the legislature. If the majority in the Lok Sabha loses confidence in the Council of Ministers, they are required to resign. The Supreme Court explained in the case of *Shamsher Singh v. State of Punjab*¹²⁹¹ that the Council of Ministers has authority given by the legislature and is accountable to the Parliament. Giving the executive more legislative power can make policy making more efficient, although there is a possibility that political polarization in the legislature will cause the executive to destabilize.

Presidential System

The U.S. Constitution in the presidential system makes the legislative and executive phases independent and gives them mutually-balancing roles. Under the Constitution, the President has no doubt in their executive mandate and is directly chosen by the people for a period of time. The arrangement called checks and balances is part of the Constitution which separates power and promotes independence and durability among institutions.

Under a presidential system, the executive is both the nation's chief executive and the top official. Congress having no power to remove the President legislatively gives stability to the executive branch and defends the administration of government. The President is authorized by the people directly and does not need the support of the legislature. But, each accountability method is different in its approach. If the President does something wrong, they can be impeached through Article

II, Section 4¹²⁹² and the *United States v. Nixon*¹²⁹³ which set rules for executive privilege and reminded leaders to obey the constitution.

Usually, the division in power results in political deadlocks, mainly when the president and Congress are not from the same party. The Supreme Court showed in *Youngstown Sheet & Tube Co. v. Sawyer*¹²⁹⁴ that its purpose in emergencies is to define the president's roles and support a connection with the other branches.

Constitutional Provisions & Structure

A. India

The executive branch in India is set up by the Constitution in a parliamentary manner, making sure both the Constitution and political matters are properly balanced. Articles 52 to 78¹²⁹⁵ list the roles and powers of the President and the Council of Ministers and Articles 53 and 74 are the most helpful in doing so. Under Article 53, it is the President who exercises the executive power of the Union, but the Prime Minister and their Council of Ministers must offer their support and opinion as ordered by Article 74. In this way, the constitution reflects a constitutional monarchy shape in a democracy and although the President is recognized as Head of State, the real power is shared by the Council.

In Article 75, it is made clear that serving under the confidence of the Lok Sabha is a collective responsibility of the Council of Ministers. Together, MPs ensure accountability which makes it possible for oversight to take place using no-confidence voting. While not described as the chief executive in the Constitution, through political practice and interpreting the laws, the Prime Minister becomes the most important person in the executive structure. Taking care of government policy and administration is mostly the responsibility of the Prime Minister, with the

¹²⁹⁰ Constitution of India art. 74.

¹²⁹¹ *Samsher Singh v. State of Punjab*, AIR 1974 SC 2192.

¹²⁹² Constitution of the United States art. II, § 4.

¹²⁹³ *United States v. Nixon*, 418 U.S. 683 (1974).

¹²⁹⁴ *Youngstown Sheet & Tube Co. V. Sawyer*, 343 U.S. 579 (1952).

¹²⁹⁵ Constitution of India arts. 52–78.

President only actively involved in some out-of-the-ordinary cases.

The courts have backed this arrangement in their judgments. In *Ram Jawaya Kapur v. State of Punjab*, the Supreme Court ruled that in all but a few cases, the President follows the advice of the Cabinet. By contrasting executive privileges with legislative roles, this separation proves that presidency takes on a symbolic role in India. Further, *Samsher Singh v. State of Punjab* showed that ministers can stay in office only as long as they have the legislature's trust and must leave if their support is taken away. This case proved the idea of collective responsibility which helps hold the executive and legislature together constitutionally.

B. United States

According to Article II of the U.S. Constitution, the presidency holds both the State and Government executive offices. Many details give specifics to the executive powers handled by the President such as being head of the army, the diplomat in charge of foreign affairs, the main administrator and the chief legislator with the authority to make vetoes and issues executive orders. differently from India, the President of the United States is elected by the Electoral College for a fixed term and cannot be dismissed by the legislature while serving, as it is based on the strict separation of powers.

The legislative branch is given authority by the constitution to do things such as override presidential vetoes, determine how spending money is managed and carry out impeachment proceedings, as described in Article II, Section 4. By performing judicial review, the judiciary makes sure the executive does not step beyond constitutional limits. Court decisions have explained the workings of these issues. In *United States v. Nixon* Thanks to the Supreme Court's ruling, the Watergate investigation saw President forced to disclose tapes which highlighted that even the highest office in the country cannot escape the law. It proved that the authority of the president is not

unlimited and can be reviewed and controlled by the law.

In another example, the case *Youngstown Sheet & Tube Co. v. Sawyer* prevented President Truman from seizing control of steel mills during a labor strike, on the basis that the President's power is only given by the plain words of the law. The ruling confirmed the role of the judiciary in outlining what the executive is allowed and not allowed to do, blocking attempts by the executive to act in ways contrary to the law.

Therefore, the constitutions of both India and the United States set out different but similar ideas of executive authority—one based on group trust and team responsibility and the other on individual control controlled by checks from the constitution.

Accountability Mechanisms

Executive power in democracy is considered legitimate because of accountability. Parliamentary and presidential systems have separate but necessary methods to guarantee the accountability of the executive to the people.

India (Parliamentary System)

In the Indian parliamentary system, leaders in the executive and legislature are jointly responsible to the public and the responsibility never stops. According to Article 75(3) in the Constitution, the Council of Ministers must hold the confidence of the Lok Sabha, the lower house of Parliament that is voted in directly by the people. Among all the methods, the no-confidence motion is the best tool for ensuring political accountability. If the confidence of the house in the executive is lost, it has to resign or ask for the Lok Sabha to be dissolved, following the interpretation of the Supreme Court in the *Samsher Singh v. State of Punjab*, the state made it clear that for executive legitimacy, legislative confidence was absolutely necessary.

In addition to confidence votes, the legislature engages in Question Hour, debates and study

by parliamentary committees to carefully review the government's actions and policies. The CAG, appointed under Article 148, helps ensure finances are used sensibly by conducting audits on government spending and informing Parliament.

Besides political accountability, judicial review guarantees that the constitution is not exceeded. By introducing the Basic Structure doctrine in the case of *Kesavananda Bharati v. State of Kerala*¹²⁹⁶, the Supreme Court helped to strengthen the Constitution. A parliamentary majority does not take precedence over the fundamental rules of the constitution which helps settle cases where the executive exceeds its authority. Reviewing these executive actions by the courts guarantees that the government's executive power is checked and the rule of law upheld.

United States (Presidential System)

By comparison, there are legal and strongly scheduled mechanisms in the American presidential system that check the president's fixed term with continuous overseeing by other branches. According to Article II, Section 4 of the U.S. Constitution, someone can be impeached and removed as President, Vice President or other civil officers for the offense of "Treason, Bribery or other high Crimes and Misdemeanors." It represents the greatest way for the Congress to deal with executive abuse. Presidents Andrew Johnson, Richard Nixon and Bill Clinton's cases of impeachment highlight the political and legal challenges that come with this form of action. Nixon made it clear that executive privilege is not total, demonstrating that the courts are willing to keep officials accountable.

Investigations by Congress, with hearings and subpoenas, help hold members of the executive branch responsible for a range of duties, from running the government to protecting national security. Still, a lot of the time, legislative scrutiny

is influenced by political party choices, making it less effective.

While not official institutions, independent agencies and the press are still vital in checking the U.S. government. The Government Accountability Office and various journalistic investigations help to keep executives responsible and answerable to the public.

One of the three checks in the U.S. separation of powers is judicial checks. The landmark case *Marbury v. Madison*¹²⁹⁷ made sure that the courts can nullify executive measures that go against the Constitution. As a result, the President cannot exceed the limits set by the constitution, thereby helping to resist authoritarian inclinations.

Comparative Analysis: India vs. USA

It is clear that the Indian parliamentary system and the US presidential system are strongly different when it comes to executive election, duration, how the executive is held to account, division of authority and ways of governance. They lead to different ways that executives perform duties, are monitored and governed by the laws of each country.

Election of the Executive

Executive power is given to the government chosen by the legislative majority in India. The Prime Minister is chosen because they are able to gain the trust of the Lok Sabha, the directly elected lower house of Parliament. As a result, the president and the legislature depend on one another and the government's legitimacy is secured through legislative backing. While the President of India is formally the national Head of State and holds executive power, he primarily represents the country as a constitutional figurehead and carries out instructions from the Council of Ministers, as required by Articles 74 and 75.

The United States presidential system sets up a direct election, though also through the Electoral College, for the President to act as

¹²⁹⁶ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461 (India).

¹²⁹⁷ *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803) (U.S.).

Head of State and Government, unlike the role of the legislature. The President is made the executive leader by Article II and does not need to be approved by Congress. The President obtains serious authority because of direct elections, meaning they do not rely on legislative confidence which can result in the creation of their own policies and possible conflicts with other branches.

Tenure

Tenure stability differs greatly between these two education models. The Government in India may lack stability since the Council of Ministers is required to keep the trust of the Lok Sabha, as stated in Article 75(3). If no longer supported by a majority, ministers tend to resign or Parliament is dissolved and elections are scheduled, as has happened many times in the past. At the same time, it supports accountability and quick responses, but it may cause the government's policy direction to keep changing when officials rotate.

On the other hand, the U.S. President holds a fixed four-year office that can only be ended by legislative impeachment under the rules of Article II, Section 4. While the constant term gives presidents continuity, this may keep ineffective administrations in power during political blockage.

Accountability

Accountability structures in each country are determined by their unique structures. The executive in India is always accountable to Parliament, through activities such as asking questions, discussing confidence in the government and committee reviews. Because of the collective responsibility mentioned in Article 75, the executive must answer to both the legislature and the electorate. Trying to be responsive under constant watch may impact the way decisions are made in the government.

Executive answerability in the U.S. is based on legal and institutional checks made periodically. There are three main tools for addressing the wrongdoing of the executive:

impeachment, congressional investigations and judicial review. Thanks to the separation of powers, no one branch can take control. Nevertheless, holding people responsible is limited by the high levels of political division that we see in well-known impeachment cases.

Separation of Powers

In India, the division of power does not make much difference, as the executive and legislative powers are strongly fused inside the parliamentary system. Because of this fusion, orders from Parliament carry more weight, but if one party has complete control of Parliament, it can be at the expense of minority groups.

On the other hand, the U.S. Constitution clearly divides administration, legislating and judging responsibilities among executive, legislative and judicial branches. By helping to avoid authoritarian actions, this design creates friction which can at times cause the government to stall, mostly when control is divided among parties.

Efficiency versus Stability

In this system, lawmakers are flexible, so important policy regimes can change and the executive team can respond quickly. Yet, since cabinets can collapse without warning, they can throw off long-term plans which is especially problematic for government coalitions. While the presidential system promotes stability and smooth changes of leadership, it becomes hard to govern well if different parties control the legislative and executive branches.

Discussion

Such emergencies as the COVID-19 pandemic have made it obvious that there can be trade-offs in policies. Although the parliamentary system made it easy for the Cabinet to respond to policies rapidly, it could occasionally interrupt the working relationships between federal and state governments. The presidential system in the United States remained steady, except to the extent that it was linked to the disputes

between the President and Congress, making the national response slightly unclear and slow.

American checks and balances depend heavily on law and institutions such as those seen in the United States v. Nixon and Youngstown Sheet & Tube Co. v. Sawyer, in which the courts put a stop to overstepping by the president. In India, the system of accountability is mainly political, with courts supporting control over the executive by examining laws and their application as in the Samsher Singh case. If Punjab is considered, along with the basic structure doctrine, it is clear that power rests more in the executive's hands when it controls the legislature.

There is also the possibility in India that, when executive and legislative power are combined, it may screen out dissenting opinions and reduce the strength of balancing institutions which creates issues related to democracy. Alternatively, the fixed executive office under the U.S. president can invite authoritarian behavior if the executive branches acting together are not properly supervised, mainly under the influence of populists.

Different constitutional efforts have resulted from the varying ways people view democracy. India focuses on listening to the public and having a government that can make laws, but in the U.S. power comes from institutions and respect for the law. Every model comes with challenges related to efficiency, stability, accountability and safety of democracy.

Contemporary Issues & Reforms

People are now paying more attention to how well executive governance systems can cope with changes in modern political situations. Many people and groups in India have started debating whether moving from a parliamentary system to something like a presidential or semi-presidential model is realistic and should be supported. Some say that presidentialism can help ensure steady executive leadership that might break down easily because of constant party conflicts and splits. However, some critics

warn that giving a president more powers may harm India's federal and pluralistic system, by allowing the executive branch to act without much supervision from the legislators which Article 74 of the Constitution seeks to prevent. The Indian courts such as those in Samsher Singh v. State of Punjab by the Parliamentary confidence, should prevent the possible abuse of authority by elected officials.

A similar challenge comes from the return of populist leaders like Narendra Modi in India and Donald Trump in the United States, who challenge the traditional limits placed on their positions. Using populist language, both leaders have taken steps to expand their authority which at times goes against traditional rules in the constitution. Congress and the judiciary clashed repeatedly with Trump's administration in the U.S., with his impeachment bringing to light the tensions in the president's accountability process. It has also raised issues about how well parliament and the courts can oversee and challenge the government, because power is mostly concentrated within the ruling party and its prime minister.

As a result, more attention has been given to hybrid or semi-presidential regimes, combining the best features of both parliamentary and presidential governments, aiming for better stability and control by legislators. The French Fifth Republic serves as a blueprint, having a President with wide-ranging authority and a Prime Minister under Parliamentary authority who serves as Head of Government. By dividing the executive power and encouraging adaptable government decisions based on the pressures of the day, this model tries to improve on each system's problems.

Adopting semi-presidentialism in India means having to rework certain parts of the constitution such as Articles 53, 74 and 75 and make sure there are practical ways to keep both executive bodies, headed by the President and Prime Minister, apart and halt any imbalances in their roles and responsibilities. It is important that such reforms address Indian

federalism and social plurality to ensure any changes help the democracy thrive instead of giving too much power to one entity.

Looking at hybrid systems in the United States, it's important to note how flexible checks within institutions handle disagreements while still safeguarding the constitution. Both countries should make sure to support their institutions and help create a civic culture that endorses the constitution when facing populist influences.

So, when making executive reforms today, it is important to address leadership, accountability, sharing of power and support for pluralism in democracy. The process of amending the constitution shows how constitutional governance changes with the changing world.

Conclusion

Using examples from India and the United States, this paper demonstrates how their systems set different levels of accountability and power for the executive branch. This study points out that under India's parliamentary system, the executive branch is assured by the confidence of the Lok Sabha, letting the legislature use the no-confidence motion in Article 75(3) for political accountability. By contrast, the U.S. presidential system gives the executive its own authority under Article II and allows it to be held accountable by impeachment and judicial proceedings. Decisions made by the court—such as in *Samsher Singh v. State of Punjab* reiterates the shared responsibility among ministers when responding to United States of America. Explaining executive privilege by Nixon—highlights the important constitutional rules essential for preserving power balance.

Every government system has its own flaws. While the parliamentary system responds better to changes and brings all branches of government together, the way it is set up can make it unstable and give too much control to the majority. It shows that making an institution in a certain way may not ensure that it is a democracy.

How well executive accountability works depends on the level of maturity in an institution, with formal oversight by legislators, an independent judicial system, free media and a culture that values diversity and government by law. Both India and the United States show that changing the way their governments are organized is important to meet new political realities and secure democracy. When society faces new problems and populist pressures, these constitutional systems will be tested by how well they follow the constitution and adapt to recent changes.

Bibliography

Books & Treatises

M.P. Jain, *Indian Constitutional Law* (8th ed. 2023).

H.M. Seervai, *Constitutional Law of India: A Critical Commentary* (4th ed. 2022).

Akhil Reed Amar, *America's Constitution: A Biography* (2005).

Erwin Chemerinsky, *Constitutional Law: Principles and Policies* (6th ed. 2023).

Constitutions

India Const. arts. 52–78, 53, 74, 75.

U.S. Const. art. II, §§ 1–4.

Cases

Ram Jawaya Kapur v. State of Punjab, AIR 1955 SC 549 (India).

Samsher Singh v. State of Punjab, AIR 1974 SC 2192 (India).

Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461 (India).

S.R. Bommai v. Union of India, AIR 1994 SC 1918 (India).

R. v. Sec'y of State for the Home Dep't, [2004] UKHL 56 (U.K.).

Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952) (U.S.).

United States v. Nixon, 418 U.S. 683 (1974) (U.S.).

Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803) (U.S.).

Statutory & Parliamentary Sources

Comptroller and Auditor General of India (Duties, Powers and Conditions of Service) Act, 1971 (India).

Lok Sabha Rules of Procedure and Conduct of Business (17th ed. 2020) (India).

Reports & Government Publications

Law Commission of India, 124th Report on The High Court Arrears – A Fresh Look (1988).

National Commission to Review the Working of the Constitution, A Consultation Paper on the “Presidential” Form of Government (2001).

Scholarly Articles

Bipin Chandra, Democratic Functioning and Executive Accountability in India, 23 J. Indian L. & Soc’y 112 (2022).

Bruce Ackerman, The New Separation of Powers, 113 Harv. L. Rev. 633 (2000).

Richard Neustadt, Presidential Power and the Modern Presidents, 54 Pol. Sci. Q. 180 (1987).

Other Sources

Constitution of France, 1958 (English translation by Conseil Constitutionnel).

The Federalist No. 51 (James Madison).

